

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 600

Introduced by Assembly Member Alejo

February 24, 2015

An act to amend ~~Section 33034~~ of Sections 54441, 54441.5, 54442, 54443.1, 54444, 54444.1, 54444.2, 54444.3, 54444.4, 56301, 63000, and 64000 of, to amend the heading of Article 3 (commencing with Section 54440) of Chapter 4 of Part 29 of Division 4 of Title 2 of, and to add Sections 54442.1, 54442.2, 54442.3, 54442.4, 54442.5, 54442.6, and 54444.15 to, the Education Code, relating to ~~the State Board of Education~~ migrant education.

LEGISLATIVE COUNSEL'S DIGEST

AB 600, as amended, Alejo. ~~State Board of Education: powers and duties~~ Migrant education.

(1) Existing law requires the State Board of Education to adopt a state master plan for services to children identified as migrant children.

This bill would change references from “migrant child” to “migratory child,” and would require the state master plan to be developed and revised as necessary by the Superintendent of Public Instruction in consultation with the statewide parent advisory council. The bill would specify additional services and elements that would be required as part of the plan, and would require the Superintendent to develop a monitoring instrument and monitoring procedure to annually monitor each local educational agency and region receiving funds for the provision of services to migratory children. The bill would set forth the primary objectives of the state’s monitoring activities, including, among others, improving educational results and outcomes for migratory

children. The bill would require the Superintendent to coordinate the design of evaluations, as provided, and to monitor, provide technical assistance to, and provide guidance to, operating agencies in conducting local evaluations.

The bill would require the Superintendent to periodically sponsor or conduct workshops and seminars for the education of operating agency personnel responsible for evaluation of migrant education programs, and would require the Superintendent to submit triennially to the state board, the Legislature, and the Governor a performance report regarding the migrant education programs. The bill would require the Superintendent to develop a process to ensure that all migratory youth enrolled in juvenile court schools and other alternative education placements are properly identified and receive services for which they are eligible.

(2) Existing law requires migrant education programs to include prescribed components, including, but not limited to, a brief individual learning plan provided to a pupil's parent or guardian annually and each time the pupil moves to a new district.

This bill would also require delivery of the plan each time a pupil experiences a change in school placement or educational program and would require migrant education programs to include the collection of individual and aggregate data with specified information relating to migratory pupils. By imposing these additional requirements on local educational agencies, this bill would impose a state-mandated local program.

The bill would require a local educational agency or region receiving funds for the provision of services to migratory children to include as part of its refunding application an evaluation of the overall effectiveness of the program, as specified.

(3) Existing law requires the Superintendent to establish the service regional system as the primary method for delivery of services to migrant children, and requires the Superintendent to review and approve plans for the effectiveness of service regions based on specified criteria.

This bill would include among those criteria a written evaluation plan that describes how the operating agency whose plan is under review for approval will measure annual migratory pupil progress and overall success of its program, and would add to the conditions for direct funding of local educational agencies that the parent advisory council be actively involved in the planning, review, and improvement of the program.

(4) Existing law sets forth responsibilities of parent advisory councils at the district, regional, and state levels, including, among other responsibilities, a review of individualized educational plans.

This bill would add to these responsibilities a review of the aggregate data collected for migratory pupils, as specified.

(5) Existing law provides that the responsibilities of a service region include, among other responsibilities, providing training for the parents and members of district, regional, and school parent advisory councils.

This bill would revise that responsibility to instead provide training, support services, and technical assistance to the parents and members of district, regional, and school parent advisory councils to assist them in fulfilling their roles and responsibilities.

(6) Existing law requires the Superintendent to establish a statewide parent advisory council and requires the council to meet a minimum of 6 times per year.

This bill would instead require the council to meet a minimum of 9 times per year. The bill would also require the Superintendent and each operating agency, as defined, to provide certain documents in a language understandable to members of the statewide and operating agency parent advisory councils, as specified.

(7) This bill would make other related changes and various conforming and nonsubstantive changes.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law establishes the State Board of Education to adopt policies, and to establish rules and regulations, not inconsistent with the laws of the state, to govern the public elementary and secondary schools of the state. Existing law requires the board to issue a subpoena to compel the attendance of a witness before the board, or a board member, in the same manner as a court in this state. Existing law requires the president of the board to cause the attendance of a witness to testify before the board, or a board member, where the testimony of the witness is material to a matter pending before the board. The board is authorized to make a reasonable allowance for this purpose, not~~

exceeding the fee of a witness in a civil case, except under specified circumstances. The allowance is required to be paid out of the appropriation for the expense of the board.

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Article 3 (commencing with
2 Section 54440) of Chapter 4 of Part 29 of Division 4 of Title 2 of
3 the Education Code is amended to read:

4
5 Article 3. ~~Migrant~~ Migratory Children

6
7 SEC. 2. Section 54441 of the Education Code is amended to
8 read:

9 54441. The definitions set forth in this section shall govern the
10 interpretation of this article.

11 (a) (1) “Currently migratory child” means a child who has
12 moved with a parent, guardian, or other person having custody,
13 from one school district to another, either within the State of
14 California or from another state within the 12-month period
15 immediately preceding his or her identification as ~~such~~ a currently
16 migratory child, in order that the child, a parent, guardian, or other
17 member of his or her immediate family might secure temporary
18 or seasonal employment in an agricultural or fishing activity, and
19 whose parents or guardians have been informed of the child’s
20 eligibility for migrant education services.

21 ~~“Currently~~

22 (2) “Currently migratory child” includes a child who, without
23 the parent or guardian, has continued to migrate annually to secure
24 temporary or seasonal employment in an agricultural or fishing
25 activity.

26 (b) “Former migratory child” means a child who was formerly
27 eligible to be counted and served as a currently migratory child
28 within the past five years, but who is no longer a currently
29 migratory child, and who lives in an area served by ~~an ESEA~~ a
30 federal Elementary and Secondary Education Act of 1965 (20
31 U.S.C. Sec. 6301 et seq.) Title I ~~Migrant Education~~ migrant

1 *education* project, and whose parents have been informed of the
2 child's eligibility for migrant education services but have not
3 removed the child from the program.

4 (c) "Agricultural activity" means any activity directly related
5 to the production or processing of agricultural products and the
6 cultivation or harvesting of trees.

7 (d) "Fishing activity" means any activity directly related to the
8 catching or processing of fish or shellfish for initial commercial
9 sale or as a principal means of personal subsistence.

10 (e) "Operating agency" means a local educational agency
11 operating under a subgrant of state migrant education funding, or
12 a public or private nonprofit agency under a special arrangement
13 with the department to carry out a migrant education program.

14 (f) "Migrant region" means an operating agency comprised of
15 a county or a combination of counties, or a public or private
16 nonprofit agency not controlled in whole or part by a school
17 district, or a combination of counties and agencies, meeting the
18 criteria of subdivision (a) of Section 54444.1.

19 (g) "Quality control" means the development of program quality
20 standards by the state and the conduct of quality review procedures
21 and processes at the operating agency, school district, and school
22 level by state and other professional staff and parents, in
23 conjunction with other interested parties, on a regular basis to
24 assure the maintenance of high quality migrant education programs.

25 (h) "Supplementary services" means services provided to
26 migratory children—~~which~~ *that* are above the services already
27 provided by a school or school district to other children of that
28 school or school district.

29 (i) "Average monthly enrollments" means the average monthly
30 number of pupils who are enrolled in a migrant education program.
31 Average monthly enrollments shall be computed by totaling the
32 number of ~~migrant~~ *migratory* pupils reported by an operating
33 agency during the months of September to June, inclusive, and
34 dividing that total by 10.

35 (j) "Department" means the State Department of Education.

36 (k) "Superintendent" means the Superintendent of Public
37 Instruction.

38 *SEC. 3. Section 54441.5 of the Education Code is amended to*
39 *read:*

1 54441.5. With the concurrence of the child's parent, a child
2 who has been identified as a ~~“migrant”~~ “migratory child” may be
3 deemed a ~~migrant~~ migratory child for a period, not in excess of
4 three years, during which the child resides in an area where
5 programs are provided for ~~migrant~~ migratory children. Priority for
6 the provision of services shall be consistent with federal statutes
7 and regulations governing migrant education programs.

8 SEC. 4. Section 54442 of the Education Code is amended to
9 read:

10 54442. The state board shall adopt a state master plan for
11 services to ~~migrant~~ migratory children. The plan shall *be developed*
12 *and revised as necessary by the Superintendent in consultation*
13 *with the statewide parent advisory council established pursuant*
14 *to paragraph (2) of subdivision (a) of Section 54444.2. The plan*
15 *shall include all of the following:*

16 (a) Instructional activities on a regular and extended year basis.
17 These activities shall be designed to identify, assess, and provide
18 treatment for academic deficiencies of ~~migrant~~ migratory children.
19 Special emphasis shall be given to oral and written
20 communications, reading, and mathematics. Small group or
21 individual instruction and tutorial services shall be provided to
22 assist ~~migrant~~ migratory children to ~~attain normal progress rates~~
23 *meet the same academic content and achievement standards that*
24 *all children are expected to meet* in all subject areas. All
25 instructional services shall be provided as supplements to regular
26 programs of instruction provided by the public schools for all
27 children.

28 (b) Health and welfare services. These services shall be designed
29 to identify, assess, and provide treatment for conditions that
30 interfere with the education and learning of ~~migrant~~ migratory
31 children, including dental, emotional, or environmental conditions.
32 To the extent possible, existing community resources ~~will~~ *shall*
33 ~~be utilized~~ *used* to provide these services.

34 (c) Preservice and ~~in-service~~ *inservice* education of professional
35 and nonprofessional personnel. This education shall be planned
36 to prepare school administrators, teachers, aides, and other
37 personnel to meet the special needs of ~~migrant~~ migratory children.

38 (d) Supportive services including transportation, family liaison,
39 and other services necessary to the success of the programs.

1 (e) Child development activities including, but not limited to,
2 social, sensorimotor, conceptual and language development, and
3 perceptual discrimination activities for ~~migrant~~ migratory infants
4 and prekindergarten children who are too young to participate in
5 instructional services normally provided by the public schools.

6 (f) The active involvement of *migratory* parents, teachers, *school*
7 *representatives*, and community representatives in the local
8 ~~implementation~~ *planning, implementation, review, and*
9 *improvement* of migrant education ~~programs~~ *programs, including,*
10 *but not limited to, review of the data collected for migratory pupils*
11 *pursuant to subdivision (i) to monitor and evaluate migratory pupil*
12 *progress and program effectiveness.*

13 (g) *Support services and technical assistance to members of the*
14 *statewide parent advisory council. The department shall ensure*
15 *that members are provided with sufficient resources and support*
16 *to enable the statewide parent advisory council to fulfill its*
17 *statutory purpose and responsibilities.*

18 (h) *An evaluation and monitoring component that provides for*
19 *oversight and evaluation of the operating agencies, school districts,*
20 *and schools on an annual basis by the department to ensure that*
21 *migrant education programs are effective and operating in a*
22 *manner consistent with federal statutes and regulations. The*
23 *department shall evaluate migrant education programs using*
24 *systematic, methodical, and sound evaluation instruments designed*
25 *to measure program implementation and program results.*

26 (i) *Collection of individual and aggregate data for migratory*
27 *pupils to increase accountability for migratory pupil achievement*
28 *and to facilitate program evaluation. The department shall collect*
29 *data for migratory pupils and shall present the data in a format*
30 *that is readily accessible to migratory parents, teachers, community*
31 *representatives, and regional directors. The data regarding*
32 *migratory pupils shall include, but not be limited to, all of the*
33 *following:*

34 (1) *Identification and recruitment.*

35 (2) *Preschool participation.*

36 (3) *Enrollment in kindergarten and grades 1 to 12, inclusive.*

37 (4) *Enrollment in alternative education programs by type of*
38 *program, including, but not limited to, community schools,*
39 *community day schools, continuation high schools, and juvenile*
40 *court schools.*

1 (5) *Participation in independent study and credit accrual*
2 *programs.*

3 (6) *Designation and redesignation of English learners.*

4 (7) *Course enrollment, including, but not limited to, courses*
5 *that satisfy the subject area requirements for admission to the*
6 *University of California or the California State University.*

7 (8) *Suspensions and expulsions.*

8 (9) *Truancy and chronic absenteeism.*

9 (10) *Referral to a school attendance review board.*

10 (11) *Disciplinary transfers.*

11 (12) *Retention in grade level.*

12 (13) *Dropout rates.*

13 (14) *California high school exit examination results.*

14 (15) *Graduation rates.*

15 (16) *Postsecondary education enrollment rates.*

16 (17) *Vocational program enrollment rates.*

17 (18) *Other information deemed necessary by the Superintendent*
18 *in consultation with the statewide parent advisory council.*

19 SEC. 5. *Section 54442.1 is added to the Education Code, to*
20 *read:*

21 54442.1. *The Superintendent shall develop a monitoring*
22 *instrument and monitoring procedure that provides for annual*
23 *monitoring of each local educational agency and region receiving*
24 *funds for the provision of services to migratory children, and that*
25 *addresses each component identified in Section 54444.15 and all*
26 *federal requirements set forth under Section 6391 of Title 20 of*
27 *the United States Code and its corresponding regulatory*
28 *provisions. The monitoring procedure shall include onsite*
29 *monitoring of each operating agency receiving migrant education*
30 *funds at least once every three years.*

31 SEC. 6. *Section 54442.2 is added to the Education Code, to*
32 *read:*

33 54442.2. *The primary objectives of the state's monitoring*
34 *activities undertaken pursuant to Section 54442.1 shall be all of*
35 *the following:*

36 (a) *Improving educational results and outcomes for all*
37 *migratory children.*

38 (b) *Ensuring that operating agencies, school districts, and*
39 *schools provide appropriate educational services to migratory*
40 *children in a manner that addresses their special needs, including,*

1 *but not limited to, language access needs, in a coordinated and*
2 *efficient manner.*

3 *(c) Ensuring that operating agencies, school districts, and*
4 *schools afford migratory pupils full and appropriate opportunities*
5 *to effectively participate in the general education program and*
6 *access to courses needed to graduate.*

7 *(d) Identifying and addressing disproportionate discipline of*
8 *migratory pupils, migratory pupil enrollment in alternative*
9 *education programs, and migratory pupil participation in*
10 *independent study.*

11 *SEC. 7. Section 54442.3 is added to the Education Code, to*
12 *read:*

13 *54442.3. The Superintendent shall coordinate the design of*
14 *evaluations to prevent duplication and to minimize data collection*
15 *and reporting requirements at the operating agency, school district,*
16 *and school levels. The Superintendent shall monitor, provide*
17 *technical assistance to, and provide guidance to, operating*
18 *agencies in conducting local evaluations, as necessary.*

19 *SEC. 8. Section 54442.4 is added to the Education Code, to*
20 *read:*

21 *54442.4. The Superintendent shall periodically sponsor or*
22 *conduct workshops and seminars for the education of operating*
23 *agency personnel assigned to, and responsible for, the evaluation*
24 *of migrant education programs.*

25 *SEC. 9. Section 54442.5 is added to the Education Code, to*
26 *read:*

27 *54442.5. The Superintendent shall triennially submit to the*
28 *state board, the Legislature, and the Governor a performance*
29 *report regarding the migrant education programs. A report to be*
30 *submitted pursuant to this section to the Legislature shall be*
31 *submitted in compliance with Section 9795 of the Government*
32 *Code.*

33 *SEC. 10. Section 54442.6 is added to the Education Code, to*
34 *read:*

35 *54442.6. The Superintendent shall develop a process to ensure*
36 *that all migratory youth enrolled in juvenile court schools and*
37 *other alternative education placements under the department are*
38 *properly identified and receive all the services for which they are*
39 *eligible. The department shall work with regions and local*
40 *educational agencies to develop policies and procedures to ensure*

1 *that at the time of transfer to, and enrollment in, these schools,*
2 *migratory youth who are not already identified are properly*
3 *assessed to determine if they are eligible for migrant services and*
4 *programs.*

5 *SEC. 11. Section 54443.1 of the Education Code is amended*
6 *to read:*

7 54443.1. Migrant education programs shall include all of the
8 following:

9 (a) An individual assessment of the educational and relevant
10 health needs of each participating pupil within 30 days of
11 enrollment. This assessment shall include assessments concurrently
12 provided pursuant to compensatory education,
13 bilingual-crosscultural education, school improvement programs,
14 and other programs serving the pupil.

15 (b) A general needs assessment developed in compliance with
16 federal requirements summarizing the needs of the population to
17 be served.

18 (c) A comprehensive program to meet the educational, health,
19 and related needs of participating pupils ~~which~~ *that* is supplemental
20 to the program the operating agency is otherwise required to
21 provide. The program shall include, but need not be limited to, the
22 following:

23 (1) Academic instruction.

24 (2) Remedial and compensatory instruction.

25 (3) Bilingual and crosscultural ~~instruction~~ *instruction, which*
26 *may include supplemental language support services and programs*
27 *specially designed to meet the unique needs of migratory children.*

28 (4) Career technical instruction.

29 (5) Counseling and career education services.

30 (6) Preschool services in accordance with Section 54443.

31 (7) Other educational services that are not available in sufficient
32 quantity or quality to eligible migratory children.

33 (8) The acquisition of instructional materials and equipment
34 necessary to adequately provide the appropriate services.

35 (9) Other related services to meet the special needs of eligible
36 migratory children that are necessary to enable these children to
37 effectively participate in instructional services.

38 (10) The coordination and teaming of existing resources serving
39 ~~migrant~~ *migratory* pupils, such as bilingual-crosscultural education,
40 health screening, and compensatory education.

1 (d) A brief individual learning plan listing the services to be
2 provided to each *migratory* pupil shall be provided in writing or
3 at a parent conference to the parent or guardian of each
4 participating pupil, annually and each time the pupil moves to a
5 new ~~district~~. *district or experiences a change in school placement*
6 *or educational program.*

7 (e) Staffing and staff development plans and practices to meet
8 the needs of *migratory* pupils and implement the program.

9 (f) Parent and community involvement as specified in Section
10 54444.2.

11 (g) Evaluations that shall include annual pupil progress and
12 overall program effectiveness and quality control ~~reports~~. *reports*
13 *in accordance with Section 54444.15.*

14 (h) *Collection of individual and aggregate data for migratory*
15 *pupils regarding all of the information set forth in subdivision (i)*
16 *of Section 54442. Migrant education programs shall present the*
17 *data in a format that is readily accessible to migratory parents,*
18 *teachers, community representatives, and regional directors.*

19 ~~(h)~~

20 (i) School districts and other ~~education~~ *educational* agencies
21 shall be eligible to apply for funding to serve ~~migrant~~ *migratory*
22 pupils upon application to their respective region, or, if they meet
23 the criteria established in subdivision (b) of Section 54444.1, to
24 the department. Operating agencies shall include in their
25 application a description of how the entities will coordinate the
26 planning, budgeting, and operation of the migrant education
27 programs with the planning, budgeting, and operation of other
28 federal and state education programs addressing the needs of the
29 same or similar pupils of the operating agency. The description
30 shall include ~~time lines~~ *timelines* and cover services provided
31 through school improvement, nonmigrant Title I, state
32 compensatory and limited- and non-English proficient, Title VII,
33 and other funds. If the application meets state and federal
34 requirements, negotiations for an appropriate service agreement
35 shall begin involving the parties listed in subdivision (a) or (b) of
36 Section ~~54444.1~~. *54444.*

37 SEC. 12. *Section 54444 of the Education Code is amended to*
38 *read:*

1 54444. In implementing the plan adopted by the ~~State Board~~
2 ~~of Education, state board~~, the Superintendent of ~~Public Instruction~~
3 is authorized to:

4 (a) Contract with county superintendents of school or local
5 educational agencies to supply services to ~~migrant~~ migratory
6 children residing within specified geographical regions.

7 (b) Enter into agreements or otherwise cooperate with other
8 states or agencies of the state or the federal government in
9 providing or coordinating services to ~~migrant~~ migratory children
10 including the Mini-Corps Program as well as participation in or
11 ~~utilization~~ use of the Migrant Student Record Transfer System, or
12 other equivalent information systems as may be used by the state.

13 *SEC. 13. Section 54444.1 of the Education Code is amended*
14 *to read:*

15 54444.1. (a) In implementing the state master plan for services
16 to ~~migrant~~ migratory children, the Superintendent shall establish
17 the service regional system as the primary method for the delivery
18 of services to ~~migrant~~ migratory children. The Superintendent
19 shall review and approve plans for the establishment of service
20 regions and shall incorporate the following criteria in the approval
21 of regional plans:

22 (1) The boundaries of regions shall include all geographic areas
23 with ~~migrant~~ migratory and seasonal agricultural workers and
24 fishermen.

25 (2) Regional service centers shall be located in areas with high
26 concentrations of ~~migrant~~ migratory and seasonal agricultural
27 workers and fishermen. Regional headquarters shall be located as
28 follows:

29 (A) In areas requiring large numbers of these workers for a
30 period of at least two consecutive months during each year.

31 (B) In areas that normally contract for ~~migrant~~ migratory and
32 seasonal agricultural workers with families rather than single
33 adults.

34 (C) In areas where ~~migrant~~ migratory and seasonal agricultural
35 workers are involved in the transition from hand labor to
36 mechanization.

37 (3) Regions shall be located in each geographic area of the state,
38 except areas within the boundaries of directly funded districts.

39 (4) Except areas within the boundaries of directly funded
40 districts, regions shall be contiguous to one another and should

1 have no less than 1,500 migratory children. In no event shall a
2 county be split among two separate regions in order to meet the
3 requirements of this paragraph.

4 (5) Regions shall be organized so as to provide quality services
5 to all affected parties and maintain fiscal procedures in conformity
6 with requirements adopted by the department.

7 (6) The boundaries of regions shall be drawn in a manner that
8 avoids excessive commuting by personnel or by participants in
9 the programs, not to exceed 100 miles from the schoolsite to the
10 operating agency.

11 (7) If a proposed region cannot meet the criteria established in
12 paragraph (4) or (6), it may request that the criteria be waived by
13 the state board. The waiver request shall be based upon a study,
14 conducted by the entities, including their respective parent advisory
15 councils, comprising the proposed region, that explains why the
16 waiver is required and that describes likely outcomes if the waiver
17 is not granted.

18 (8) *A written evaluation plan that describes how the operating*
19 *agency will measure annual migratory pupil progress and the*
20 *overall success of its program in accordance with Section*
21 *54444.15. The evaluation plan may include the examination of*
22 *pre- and post-assessment results for migratory pupils participating*
23 *in specific interventions such as special tutoring programs, reading*
24 *interventions, and math interventions.*

25 (b) (1) An agency meeting the criteria set forth in this
26 subdivision and subdivision (f) of Section 54441 may apply to the
27 department for designation as a region. The application shall be
28 in a format with sufficient information and at times designated by
29 the Superintendent. The application shall include documentation
30 of active participation, review and comment by the appropriate
31 parent advisory councils, and signatures by parent advisory council
32 chairpersons that the review and comment has taken place, and
33 shall further include documentation that the agencies and parent
34 representative comprising the proposed region have met as a group
35 ~~prior to~~ before submission of the application and have agreed upon
36 the formation of, and participation in, the region and a general
37 delineation of the services ~~which~~ that will be provided in the
38 region.

39 Directly

1 (2) *Directly* funded districts shall be invited by the regions to
2 participate in regional activities and meetings. Staff and parent
3 advisory council members in the districts shall also be invited to
4 regional inservice activities and conferences.

5 (c) The department may directly fund local educational agencies,
6 in whole or in part, to provide services to eligible ~~migrant~~
7 *migratory* children if it is cost effective to do so; if the applicant
8 agency serves not less than 1,500, nor more than 8,000, currently
9 migratory children; has sufficient programmatic and fiscal
10 resources to deliver an effective migrant education program; is in
11 compliance with the federal and state requirements regarding
12 migrant education programs; maintains an ongoing and functional
13 parent advisory council that has voted on a biennial basis to
14 approve the participation in the directly funded program, including
15 the approval of a majority of the members who are the parents of
16 ~~migrant children~~; *migratory children*, and *is actively involved in*
17 *the planning, review, and improvement of the program*; and
18 maintains fiscal procedures in conformity with the requirements
19 adopted by the department. All districts that are directly funded
20 on January 1, 1982, may continue to be funded directly, provided
21 that the districts comply with the criteria prescribed by this
22 subdivision, except for the size criterion.

23 (d) (1) The responsibilities of the various parties involved in
24 the delivery of services to ~~migrant~~ *migratory* children shall be set
25 forth in a service agreement. A service agreement shall be a legally
26 binding contract signed by the duly constituted authorities at the
27 state, county, district, or private or public nonprofit agencies, or a
28 combination thereof. In the regional delivery system, there shall
29 be two parties to every service agreement; the region and the
30 district or other operating agencies in which the eligible ~~migrant~~
31 *migratory* pupils are enrolled. When a district or agency is funded
32 directly by the state, the parties to the service agreement shall
33 include the department and the district or operating agency in
34 which the eligible ~~migrant~~ *migratory* pupils are enrolled. The basic
35 responsibilities of these three parties shall be as specified in Section
36 54444.4.

37 ~~The~~

38 (2) *The* parties, whether regional or directly funded, shall take
39 the necessary steps to ensure the effective involvement of the
40 ~~migrant migratory parent advisory committee council~~ for that

1 district or agency. Representatives of the ~~migrant~~ migratory parent
2 advisory ~~committee~~ council shall have the right to be present and
3 participate in all deliberations between the parties regarding the
4 service agreement or any subsequent changes thereto. The service
5 agreement shall include a signed statement from the officers of
6 the ~~migrant~~ migratory parent advisory ~~committee~~ council signifying
7 that the participation has occurred.

8 (e) The Superintendent shall develop an annual operating
9 calendar for regions and directly funded districts, including dates
10 for the submission and approval of applications and service
11 agreements. Any changes in regional boundaries for the subsequent
12 fiscal year shall be made and approved by December 31 of the
13 current year. Any changes in funding allocations for regions shall
14 be made by December 31 of the current year or immediately after
15 notification of a federal grant award.

16 (f) The Superintendent shall preserve the supplemental nature
17 of the migrant education program. The program shall be maintained
18 outside the supervision or above the administrative level of the
19 consolidated application programs. The Superintendent shall not
20 incorporate the migrant education program into the consolidated
21 application process, except as provided below:

22 (1) Directly funded districts may apply for migrant education
23 funds as part of their consolidated application provided the district
24 parent advisory council on migrant education approves the
25 inclusion.

26 (2) A copy of the district's annual application for migrant
27 education funds as required by subdivision (h) of Section 54443.1
28 shall be attached to the district's annual consolidated application.

29 *SEC. 14. Section 54444.15 is added to the Education Code, to*
30 *read:*

31 *54444.15. A local educational agency or region receiving funds*
32 *for the provision of services to migratory children, as part of its*
33 *refunding application, shall include an evaluation of the overall*
34 *effectiveness of the program for the prior year that includes all of*
35 *the following:*

36 *(a) Deficiencies in academic achievement of migratory children*
37 *as compared to nonmigratory children.*

38 *(b) Identification of, and provision of services to, migratory*
39 *children in the geographic area served by the district, agency, or*
40 *region, including out-of-school migratory youth and children and*

1 youth enrolled in alternative and court-supervised school
2 placements.

3 (c) Enrollment in preschool and kindergarten.

4 (d) Access to, enrollment in, and completion of courses that
5 satisfy the subject area requirements for admission to the
6 University of California or the California State University.

7 (e) Dropout prevention and intervention.

8 (f) Retention in grade level.

9 (g) Truancy and pupil discipline, including suspension,
10 expulsion, and actions resulting in disciplinary transfer or referral
11 to a school attendance review board.

12 (h) Vocational education opportunities.

13 (i) Graduation rates, including completion of the California
14 high school exit examination.

15 (j) Postsecondary education enrollment rates.

16 (k) Health services.

17 (l) Intersession programs.

18 (m) Other supplemental services.

19 (n) Staff experience and quality.

20 (o) Data collection and evaluation.

21 (p) Records transfer.

22 (q) Parental involvement, including establishment of and
23 participation in the parent advisory council, conduct of regular
24 meetings, participation in the development and approval of the
25 local migrant education plan, participation in statewide parent
26 advisory council activities, and parent training.

27 SEC. 15. Section 54444.2 of the Education Code is amended
28 to read:

29 54444.2. (a) The Superintendent of ~~Public Instruction~~ shall
30 take the steps necessary to ensure effective parental involvement
31 throughout the state migrant education program, which shall
32 include, but need not be limited to, the following:

33 (1) The Superintendent shall adopt rules and regulations
34 requiring each operating agency receiving migrant education funds
35 or services to actively solicit parental involvement in the planning,
36 operation, and evaluation of its programs through the establishment
37 of, and consultation with, a parent advisory council.

38 (A) The membership of each parent advisory council shall be
39 comprised of members who are knowledgeable of the needs of
40 ~~migrant~~ migratory children and shall be elected by the parents of

1 ~~migrant~~ *migratory* children enrolled in the operating agency's
2 programs. The composition of the council shall be determined by
3 the parents at a general meeting to which all parents of pupils
4 enrolled in the migrant program shall be invited. Parents shall be
5 informed, in a language they understand, that the parents have the
6 sole authority to decide on the composition of the council. All
7 parent candidates for the council shall be nominated by parents;
8 nonparent candidates shall be nominated by the groups they
9 represent: teachers by teachers, administrators by administrators,
10 other school personnel by other school personnel, and pupils by
11 pupils. All other community candidates shall be nominated by the
12 parents. Each parent advisory council shall hold meetings on a
13 regular basis during the operation of the regular program, but not
14 less than six times during the year.

15 (B) At least two-thirds of the members of each parent advisory
16 council shall be the parents of ~~migrant~~ *migratory* children. Each
17 parent advisory council shall have the responsibilities listed in
18 subdivision (a) of Section 54444.4.

19 (2) The Superintendent shall establish a statewide parent
20 advisory council that shall participate in the planning, operation,
21 and evaluation of the state migrant education program. The
22 membership of the statewide parent advisory council shall be
23 comprised of members who are knowledgeable of the needs of
24 ~~migrant~~ *migratory* children and shall be nominated and elected by
25 the parents of ~~migrant~~ *migratory* children enrolled in the operating
26 agencies. At least two-thirds of the members of the ~~State Parent~~
27 ~~Advisory Council~~ *statewide parent advisory council* shall be the
28 parents of ~~migrant~~ *migratory* children. The ~~state~~ *statewide parent*
29 *advisory* council shall meet a minimum of ~~six~~ *nine* times a calendar
30 year to provide input on issues relating to the operation of the
31 program. Special meetings may be called at the discretion of the
32 state director.

33 (3) (A) The Superintendent also shall sponsor an annual ~~State~~
34 ~~Parent Advisory Council Conference~~. *statewide parent advisory*
35 *council conference*. The conference shall be scheduled during the
36 spring of every year.

37 (B) The ~~State Parent Advisory Council~~ *statewide parent advisory*
38 *council, with necessary technical assistance and support from the*
39 *department*, shall prepare and submit a report to the Legislature,
40 *the state board, the Superintendent, and the Governor regarding*

1 the status of the migrant education program. The report shall be
2 submitted within 120 days ~~from~~ of the conclusion of a training
3 program on preparing the report provided by the Superintendent
4 in accordance with paragraph (5).

5 (C) The report shall include an evaluation of the migrant
6 education program, as required pursuant to paragraph (2) of
7 subdivision (a), a review of annual needs and a year-end
8 assessment, as required pursuant to paragraph (2) of subdivision
9 (a) of Section 54444.4, *a review of the aggregate data collected*
10 *for migratory pupils pursuant to paragraph (2) of subdivision (a)*
11 *of Section 54444.4*, and policy recommendations.

12 (4) The Superintendent and each operating agency shall furnish,
13 without charge, to the statewide and operating agency parent
14 advisory councils and, upon request, to each member, a copy of
15 all applicable state and federal migrant education statutes, rules
16 and regulations, and guidelines. In addition, the Superintendent
17 and each operating agency shall furnish, without charge, to the
18 statewide and operating agency parent advisory councils and, upon
19 request, to each member, copies of all applicable state and federal
20 audits, monitoring reports, and evaluations. *Upon request, and*
21 *when practicable, these documents shall be provided in a language*
22 *understandable to members, and each regional and state migrant*
23 *education plan shall be provided in a language understandable*
24 *to each member before its consideration for final approval.*

25 (5) The Superintendent and each operating agency shall establish
26 and implement training programs for members of the statewide
27 and operating agency parent advisory councils to enable them to
28 carry out their responsibilities. Each training program shall be
29 developed in consultation with the parent advisory councils and
30 shall include appropriate training materials in a language
31 understandable to each member. Costs incurred in providing
32 training under this paragraph, including federally authorized
33 expenses associated with the attendance of members at training
34 sessions, shall be funded, to the extent that funds are available, by
35 federal funds allocated to the state, based upon the educational
36 and related health needs of migratory children defined in
37 subdivisions (a) and (b) of Section 54441, and may be supported
38 by funds from the state migrant education program.

39 (b) Each operating agency that provides services on a statewide
40 basis shall be exempt from the requirement that it create its own

parent advisory council, but shall consult the statewide parent advisory council in the planning, operation, and evaluation of its programs.

SEC. 16. Section 54444.3 of the Education Code is amended to read:

54444.3. (a) Each operating agency receiving federal Title I Migrant Education migrant education funding shall conduct summer school programs for eligible-migrant migratory children in kindergarten and grades 1 to 12, inclusive. The summer school programs shall respond to the individual needs of participating pupils and shall build on and be consistent with the instructional programs offered to these pupils during the regular school year. Each summer school program shall be funded, to the extent that funds are available, by federal funds earmarked for migrant education programs, and shall meet the following criteria:

(1) (A) That summer school programs meet the following time requirements:

(A)

(i) For kindergarten classes, not less than 180 minutes per day, based upon the full apportionment day of 240 minutes, including recesses, for not less than 20 teaching days.

(B)

(ii) For grades 1 to 8, not less than 200 minutes per day, based upon the full apportionment day of 240 minutes, including recesses and passing time but excluding noon intermissions, for not less than 20 teaching days.

(C)

(iii) For grades 7 to 12, not less than 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 teaching days.

~~Exemptions~~

(B) Exemptions from the requirements of this paragraph may be made by the Superintendent of Public Instruction upon petition submitted to him by the district. The basis for the exemption shall be agricultural labor factors, climatic conditions, specialized educational programs, and other conditions appearing to the superintendent Superintendent to warrant exemption.

~~For~~

1 (C) For purposes of this paragraph, holidays designated in
2 Section 37220 other than Saturday and Sunday may be deducted
3 from the required number of teaching days.

4 (2) That the program has been established with the prior written
5 approval of the ~~superintendent~~ *Superintendent* based upon the
6 submission of an application ~~which~~ *that* is in the form prescribed
7 and furnished by the ~~superintendent~~ *Superintendent*. Each
8 application shall designate the persons who will exercise
9 administrative or supervisory responsibilities for the summer
10 school program and shall be submitted ~~prior to~~ *before* the
11 establishment of the summer school program.

12 (3) That the summer school program contains coursework ~~which~~
13 *that* is of the same level of difficulty in each subject as that
14 provided to pupils enrolled in regular classes of instruction within
15 the school district in the preceding year.

16 (4) That instructional programs are taught by staff with cultural
17 training or background and understanding of the special needs of
18 ~~migrant~~ *migratory* children, and who are properly credentialed for
19 the subjects and grade levels to which they are assigned.

20 (5) That the summer school program supplements other summer
21 school programs, whether required or optional and whether
22 federally or state funded, operated by the school district, including
23 the programs for graduating high school seniors, handicapped
24 children, pupils enrolled in grade 11, pupils enrolled in grades 7
25 to 12 who do not meet the *school* district's adopted proficiency
26 standards, and eligible compensatory education pupils.

27 (b) (1) Each school district, county office of education, and
28 community college district shall, upon request, make facilities
29 available at cost for the operation of migrant summer school
30 programs whenever they are available. Where available, these
31 facilities shall be suitable for the summer climate. The
32 ~~superintendent~~ *Superintendent* may allow neighboring districts to
33 jointly offer facilities if he or she determines that the use of one
34 district's facilities for an area will adequately meet the needs of
35 the migrant summer school program for the entire area.

36 ~~If~~

37 (2) ~~If the Superintendent of Public Instruction~~ determines that
38 requests from prospective users of these facilities were denied
39 without just cause, the ~~superintendent~~ *Superintendent* shall reduce
40 the *school* district's or county superintendent's entitlement from

1 Section A of the State School Fund by an amount equal to one
2 thousand dollars (\$1,000) or four times the costs to the prospective
3 user for alternative facilities for the entire period for which the
4 facilities were requested, whichever is greater.

5 *SEC. 17. Section 54444.4 of the Education Code is amended*
6 *to read:*

7 54444.4. (a) The responsibilities of parent advisory councils
8 at the district, regional, and state levels shall include, but are not
9 limited to, all of the following:

10 (1) The establishment of migrant education program goals,
11 objectives, and priorities.

12 (2) The review of annual needs and year-end assessment, as
13 well as program activities, for each school, *a review of the*
14 *aggregate data collected for migratory pupils at the school, district,*
15 *regional, and state levels as set forth in the state master plan*
16 *developed pursuant to Section 54442, and a review of*
17 *individualized educational plans; plans to ensure that plans are*
18 *developed and implemented in compliance with state and federal*
19 *requirements.*

20 (3) Advice on the selection, development, and reassignment of
21 migrant education program staff.

22 (4) Active involvement in the planning and negotiation of
23 program applications and service agreements required under
24 Section 54444.1.

25 (5) All other responsibilities required under state and federal
26 laws or regulations.

27 (b) The responsibilities of the school districts or other agencies
28 operating programs for ~~migrant~~ *migratory* pupils include, but are
29 not limited to, all of the following:

30 (1) Providing services in compliance with applicable state and
31 federal laws or regulations.

32 (2) Providing information to parents.

33 (3) Providing support to instructional staff.

34 (c) The responsibilities of the region include, but are not limited
35 to, the following:

36 (1) Providing funding to operating agencies within its
37 jurisdiction in accordance with service agreements.

38 (2) Providing technical assistance to operating agencies
39 operating under service agreements.

1 (3) Providing interagency coordination to improve the services
2 available to participating *migratory* pupils.

3 (4) Providing ~~training for training, support services, and~~
4 *technical assistance to the parents and members of district,*
5 *regional, and school parent advisory councils: councils to assist*
6 *them in fulfilling their roles and responsibilities.*

7 (5) Providing or arranging for staff development services for
8 migrant education staff at the school and district levels.

9 (6) Providing direct services required pursuant to a service
10 agreement entered into by the region.

11 (d) The responsibilities of the ~~State Board of Education state~~
12 *board* and the department shall be as set forth in the ~~State Master~~
13 *Plan state master plan* for ~~Migrant Education~~ *migrant education*
14 developed under Section 54442.

15 *SEC. 18. Section 56301 of the Education Code is amended to*
16 *read:*

17 56301. (a) All children with disabilities residing in the state,
18 including children with disabilities who are homeless children or
19 are wards of the state and children with disabilities attending
20 private, including religious, elementary and secondary schools,
21 regardless of the severity of their disabilities, and who are in need
22 of special education and related services, shall be identified,
23 located, and assessed and a practical method is developed and
24 implemented to determine which children with disabilities are
25 currently receiving needed special education and related services
26 as required by ~~Section~~ *Sections* 1412(a)(3) and ~~(10)(A)(ii)~~
27 *1412(a)(10)(A)(ii)* of Title 20 of the United States Code. A child
28 is not required to be classified by his or her disability so long as
29 each child who has a disability listed in Section 1401(3) of Title
30 20 of the United States Code and who, by reason of that disability,
31 needs special education and related services as an individual with
32 exceptional needs defined in Section 56026.

33 (b) (1) In accordance with Section 300.111(c) of Title 34 of
34 the Code of Federal Regulations, the requirements of this section
35 also apply to highly mobile individuals with exceptional needs,
36 including ~~migrant~~ *migratory* children, and children who are
37 suspected of being an individual with exceptional needs pursuant
38 to Section 56026 and in need of special education, even though
39 they are advancing from grade to grade.

1 (2) In accordance with Section 300.213 of Title 34 of the Code
2 of Federal Regulations, the local educational agency shall cooperate
3 in the efforts of the federal Secretary of Education, under Section
4 6398 of Title 20 of the United States Code, to ensure the linkage
5 of records pertaining to migratory children with disabilities for the
6 purpose of electronically exchanging, among other states, health
7 and educational information regarding those children.

8 (c) (1) The child find process shall ensure the equitable
9 participation in special education and related services of parentally
10 placed private schoolchildren with disabilities and an accurate
11 count of those children. Child find activities conducted by local
12 educational agencies, or where applicable, the department, shall
13 be similar to those activities undertaken for pupils in public
14 schools.

15 (2) In accordance with Section 1412(a)(10)(A)(ii)(IV) of Title
16 20 of the United States Code, the cost of the child find activities
17 in private, including religious, elementary and secondary schools,
18 may not be considered in determining whether a local educational
19 agency has met its obligations under the proportionate funding
20 provisions for children enrolled in private, including religious,
21 elementary and secondary schools.

22 (3) The child find process described in paragraph (1) shall be
23 completed in a time period comparable to that for other pupils
24 attending public schools in the local educational agency.

25 (d) (1) Each special education local plan area shall establish
26 written policies and procedures pursuant to Section 56205 for use
27 by its constituent local agencies for a continuous child find system
28 that addresses the relationships among identification, screening,
29 referral, assessment, planning, implementation, review, and the
30 triennial assessment. The policies and procedures shall include,
31 but need not be limited to, written notification of all parents of
32 their rights under this chapter, and the procedure for initiating a
33 referral for assessment to identify individuals with exceptional
34 needs.

35 (2) In accordance with Section 1415(d)(1)(A) of Title 20 of the
36 United States Code, and Section 300.504(a) of Title 34 of the Code
37 of Federal Regulations, parents shall be given a copy of their rights
38 and procedural safeguards only one time a school year, except that
39 a copy also shall be given to the parents:

40 (A) Upon initial referral or parental request for assessment.

1 (B) Upon receipt of the first state complaint under Section
2 56500.2 in a school year.

3 (C) Upon receipt of the first due process hearing request under
4 Section 56502 in a school year.

5 (D) When a decision is made to make a removal that constitutes
6 a change of placement of an individual with exceptional needs
7 because of a violation of a code of pupil conduct in accordance
8 with Section 300.530(h) of Title 34 of the Code of Federal
9 Regulations.

10 (E) Upon request by a parent.

11 (3) A local educational agency may place a current copy of the
12 procedural safeguards notice on its Internet Web site, if such *an*
13 *Internet* Web site exists, pursuant to Section 1415(d)(1)(B) of Title
14 20 of the United States Code.

15 (4) The contents of the procedural safeguards notice shall
16 contain the requirements listed in Section 1415(d)(2) of Title 20
17 of the United States Code and Section 300.504(c) of Title 34 of
18 the Code of Federal Regulations.

19 (e) Child find data collected pursuant to this chapter, or collected
20 pursuant to a regulation or an interagency agreement, are subject
21 to the confidentiality requirements of Sections ~~300.611~~ 300.610
22 to 300.627, inclusive, of Title 34 of the Code of Federal
23 Regulations.

24 *SEC. 19. Section 63000 of the Education Code is amended to*
25 *read:*

26 63000. The provisions of this chapter shall apply to funds
27 received for the following categorical programs:

28 (a) Child care and development programs pursuant to Chapter
29 2 (commencing with Section 8200) of Part ~~6~~ 6 of Division 1 of
30 Title 1.

31 ~~(b) School and Library Improvement Block Grant pursuant to~~
32 ~~Article 7 (commencing with Section 41570) of Chapter 3.2 of Part~~
33 ~~24.~~

34 ~~(c)~~

35 ~~(b)~~ Bilingual education programs pursuant to Article ~~4~~
36 ~~(commencing with Section 52000) and Article 3 (commencing~~
37 ~~with Section 52160) of Chapter 7 of Part 28.~~

38 ~~(d)~~

39 ~~(c)~~ Economic ~~Impact Aid~~ *impact aid* programs pursuant to
40 Chapter 1 (commencing with Section 54000) of Part 29.

1 ~~(e) The Miller-Unruh Basic Reading Act of 1965 pursuant to~~
2 ~~Chapter 2 (commencing with Section 54100) of Part 29.~~

3 ~~(f)~~

4 (d) Compensatory education programs pursuant to Chapter 4
5 (commencing with Section 54400) of Part 29, except for programs
6 for ~~migrant~~ *migratory* children pursuant to Article 3 (commencing
7 with Section 54440) of Chapter 4 of Part 29.

8 *SEC. 20. Section 64000 of the Education Code is amended to*
9 *read:*

10 64000. (a) The provisions of this part shall apply to
11 applications for funds under the following categorical programs:

12 (1) Bilingual education programs pursuant to Article 3
13 (commencing with Section 52160) of Chapter 7 of Part 28.

14 ~~(2) School-based coordinated categorical programs established~~
15 ~~pursuant to Chapter 12 (commencing with Section 52800) of Part~~
16 ~~28.~~

17 ~~(3)~~

18 (2) Economic ~~Impact Aid~~ *impact aid* programs established
19 pursuant to Chapter 1 (commencing with Section 54000) of Part
20 29.

21 ~~(4) The Miller-Unruh Basic Reading Act of 1965 pursuant to~~
22 ~~Chapter 2 (commencing with Section 54100) of Part 29.~~

23 ~~(5)~~

24 (3) Compensatory education programs established pursuant to
25 Chapter 4 (commencing with Section 54400) of Part 29, except
26 for programs for ~~migrant~~ *migratory* children pursuant to Article 3
27 (commencing with Section 54440) of Chapter 4 of Part 29.

28 ~~(6)~~

29 (4) Programs providing assistance to disadvantaged pupils under
30 Section 6312 of Title 20 of the United States Code, and programs
31 providing assistance for neglected or delinquent pupils who are at
32 risk of dropping out of school, as funded by Section 6421 of Title
33 20 of the United States Code.

34 ~~(7)~~

35 (5) Capital expense funding, as provided by Title I of the *federal*
36 Improving America's Schools Act of 1994 (20 U.S.C. Sec. ~~1001~~
37 *6301* et seq.).

38 ~~(8)~~

(6) California Peer Assistance and Review Programs for Teachers established pursuant to Article 4.5 (commencing with Section 44500) of Chapter 3 of Part 25 of Division 3.

~~(9)~~

(7) Professional development programs established pursuant to Section 6601 of Title 20 of the United States Code.

~~(10)~~

(8) Innovative Program Strategies Programs *program strategies programs* established pursuant to Section 7303 of Title 20 of the United States Code.

~~(11)~~

(9) Programs established under the federal Class Size Reduction Initiative ~~(P.L. (Public Law 106-554))~~.

~~(12)~~

(10) Programs for tobacco use prevention funded by Section 7115 of Title 20 of the United States Code.

~~(13)~~

(11) School safety and violence prevention programs, established pursuant to Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1.

~~(14)~~

(12) Safe and Drug Free Schools *drug-free schools and communities communities* programs established pursuant to Section 7113 of Title 20 of the United States Code.

(b) Each school district that elects to apply for any of these state funds shall submit to the department, for approval by the state board, a single consolidated application for approval or continuance of those state categorical programs subject to this part.

(c) Each school district that elects to apply for any of these federal funds may submit to the department for approval, by the state board, a single consolidated application for approval or continuance of those federal categorical programs subject to this part.

SEC. 21. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SECTION 1. ~~Section 33034 of the Education Code is amended to read:~~

1 ~~33034. The board shall issue a subpoena to compel the~~
2 ~~attendance of a witness before the board, or a member of the board,~~
3 ~~in the same manner as a court in this state. Whenever the testimony~~
4 ~~of a witness upon a matter pending before it is material, the~~
5 ~~president shall cause the attendance of the witness before the board,~~
6 ~~or a member of the board, to testify concerning the matter, and the~~
7 ~~board may make a reasonable allowance for this purpose not~~
8 ~~exceeding the fees of a witness in a civil case. The allowance shall~~
9 ~~be paid for out of the appropriation for the expense of the board,~~
10 ~~but an allowance shall not be made in favor of a witness who~~
11 ~~appears in behalf of a claimant. This section shall not apply to~~
12 ~~proceedings conducted in accordance with Chapter 5 of Part 1 of~~
13 ~~Division 3 of Title 2 of the Government Code.~~

O